

AGENDA ITEM EXECUTIVE SUMMARY

Title: Zoning Board of Appeals
Variation Application V-1-2012

Presenter: Robert J. Vann

Please check appropriate box:

<input type="checkbox"/>	Government Operations	<input type="checkbox"/>	Government Services
<input type="checkbox"/>	Planning & Development	<input checked="" type="checkbox"/>	City Council (02.21.2012)
<input type="checkbox"/>	Public Hearing	<input type="checkbox"/>	

Estimated Cost:	\$	Budgeted:	YES	<input checked="" type="checkbox"/>	NO
-----------------	----	-----------	-----	-------------------------------------	----

If NO, please explain how item will be funded:

Executive Summary:

Mr. John Marshall, submitted Variation Application **V-1-2012** for the property located at 1120 East Main Street in the City of St. Charles. Mr. Marshall is the Condo Association President and owner of two condominiums; additional condominium owners include Morris McNally and David Norton. The variation request is for the reconstruction of a portion of off-street parking stalls.

Attachments: *(please list)*

Variation Application V-1-2012

Recommendation / Suggested Action *(briefly explain):*

Recommendation to refer Variation Application V-1-2012 for the property at 1120 East Main Street to the St. Charles Zoning Board of Appeals for their review and decision.

<i>For office use only:</i>	<i>Agenda Item Number: IA</i>
-----------------------------	-------------------------------

CITY OF ST. CHARLES

ZONING BOARD OF APPEALS
TWO EAST MAIN STREET
ST. CHARLES, ILLINOIS 60174-1984

RECEIVED
JAN 25 2012

Building & Code Enforcement
St. Charles, IL

FOR OFFICE USE	
Received	<u>1-25-2012</u>
File #	<u>Z-1-2012</u>
Fee Paid \$	<u>300.⁰⁰</u>
Receipt	<u>861100</u>

APPLICATION FOR A VARIATION

09-27-429-027

PLEASE PRINT AND PROVIDE ALL INFORMATION AS REQUESTED.

APPLICANT & OWNER:

Name of Applicant* JOHN MARSHALL Phone 630/584-7820
Address/City/State/Zip 1120 E. MAIN ST. ST. CHARLES IL 60174
Applicant's interest in the property CONDO ASSOC PRESIDENT & OWNER OF 2 CONDOS
Name and Phone of Owner(s) of Record* DAVID NORTON - CENTENNIAL COUNSELING, 630/377-6413
MORRIS MCNALLY - AVONDA HOMES - 630/584-7106, JOHN MARSHALL 630/584-7820
Applicant is (check one) ☐ Attorney ☒ Agent ☒ Owner ☐ Other: CONDO ASSOC PRES
Owner acquired the property on (date): 1971

ADDRESS, USE & ZONING OF PROPERTY:

Address of Property (attach legal description) 1120 E. MAIN ST. ST. CHARLES
Present Use (commercial, industrial, residential, etc.) COMMERCIAL - OFFICES
Zoning District B1
To your knowledge, have any previous applications for variations been filed in connection with this property? NO
If YES, provide relevant information _____

ACTION BY APPLICANT ON PROPERTY:

Permit applied for and denied? (yes or no) NO
An Appeal was made with respect to this property? (yes or no) NO
Appeal Application File Number _____
Appeal approved? (yes or no) _____
Appeal Application accompanies this request for variation? (yes or no) YES

*In the event that the applicant or owner is a trustee of a land trust or beneficiary of a land trust, a statement identifying each beneficiary by name and address of such land trust and defining his/her interest therein must be attached hereto. Such statement shall be verified by the trustee of such trust.

REASON FOR REQUEST:

- A. Variation requested (state specific measurements) FOR A PORTION OF THE FRONT YARD AS REQUIRED FOR THE PARKING AREA FACING MAIN STREET - TO BE 5' IN LIEU OF 10'
See attached 3A.
- B. Reason for request THE WIDENING OF EAST MAIN STREET HAS TAKEN SOME OF THE EXISTING FRONT YARD SET BACK
- C. Explanation of purpose for which property will be used PARKING

ACTION BY APPLICANT ON PROPERTY:

- A. What physical characteristics would prevent the property from being used in conformity with the requirements of the zoning ordinance? THE USE TO SORT OF THE PARKING STALLS BECOMES TOO NARROW.
- B. Are the conditions stated above applicable to other properties within the same zoning classification? (explain) YES. THE MAIN STREET WIDENING IS TAKING - REDUCING - THE YARDS ON BOTH SIDES OF EAST MAIN
- C. Is the purpose of the proposed variation based on more than a desire to make money from the property? (explain) THE PROPOSED VARIATION IS BASED ON KEEPING THE PARKING LOT FUNCTIONAL
- D. Has the alleged difficulty or hardship been created by any person presently having an interest in the property? (explain) NO. THE STATE OF ILLINOIS HAS REQUESTED PROPERTY TO ALLOW THE WIDENING OF MAIN STREET - THRU CONDEMNATION. CONDEMNATION.
- E. Based on your answers to the preceding questions, check the box that you believe most accurately states your position with regard to the property if the property is permitted to be used only under the conditions allowed by regulations in the zoning district. Explain the basis for your answer:

☐ Cannot yield a reasonable return _____

☒ Is greatly reduced in value _____

☐ The owner is deprived of all reasonable use of the property _____

HARMONY WITH GENERAL PURPOSE AND INTENT:

- A. Will the proposed variation alter the essential character of the property? (explain) NO - THERE WILL STILL BE ROOM FOR PLANTINGS - WHICH IS IMPORTANT TO MAINTAIN OUR NICELY LANDSCAPED LOOK.

Attachment

Starting at a point 5-feet north of the southeast lot corner heading in a southwest direction for a distance of 27.5-feet commencing at this point in a southwest direction paralleling the front lot line for a distance of 73-feet to allow a 5-foot variation for the reconstruction of a portion of off-street parking stalls

- B. Will the proposed variation be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located? (explain)

NO. IT WILL HELP THE NEIGHBORHOOD BY ALLOWING ACCESS TO PARKING

- C. Will the proposed variation(s) impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood? (explain)

NO. IT WILL HELP MAINTAIN NEIGHBORHOOD PROPERTY VALUES

ATTACHMENTS REQUIRED:

- A. One (1) copy of a plat of survey or plot plan (to scale) of the property showing dimensions of all lot lines, existing and proposed structures and distances from lot lines, easements and adjoining streets or uses.
- B. A written certified list containing the registered owners, their mailing addresses and tax parcel numbers as recorded in the Office of the Recorder of Deeds in the county in which the property is located and as appears from the authentic tax records of such county, of all property within 250 feet in each direction of the location for which the variation is requested, proved all the number of feet occupied by all public roads, streets, alleys and other public ways shall be excluded in computing the 250 feet requirement. The Kane County Recorder of Deeds is located in the Kane County Government Center, 719 Batavia Avenue, Geneva.
- C. Filing fee in the amount of **\$300.00** must be rendered at the time the application is submitted. If payment is made by check, it should be made payable to the City of St. Charles.
- D. Reimbursement to the City of miscellaneous fees is as follows: **Review hours by Building and Code Enforcement Division Manager, Publication of legal notice; court reporter and transcript fees; mailing (postage) costs.** The reimbursement of these miscellaneous fees *must be paid prior to issuance of any permit* in connection with the requested action.
- E. Letter of authorization from the property owner as to the request for the zoning variation must be included, if such authorization is applicable.
- F. Disclosure of beneficiaries of a land trust must be included, if applicable.
- G. A variation shall lapse after twelve months from the date of grant thereof unless construction authorized is commenced on a building permit for the use specified by the variation within twelve months, or the use is commenced within such period.

I (we) certify that all of the above statements and the statements contained in any documents submitted herewith are true to the best of my (our) knowledge and belief.

John Marshall
Signature of Applicant or agent

JOHN MARSHALL
Print name of applicant/agent

1/25/12
Date

John Marshall
Signature of owner

JOHN MARSHALL
Print name of owner

1/25/12
Date

COXIDES PRES.

THE EASTERLY 87.5 FEET OF LOT 29
(MEASURED ALONG THE NORTH LINE OF
SAID LOT) OF WING'S VILLA ACRE LOTS
ADDITION TO ST. CHARLES, IN THE CITY OF
ST. CHARLES, KANE COUNTY, ILLINOIS
CONSISTING OF 0.410 ACRE
(TAX NO. 09-27-429-021

REFER TO THIS LOT AS 29 EAST

OWNER - CEDAR CROSSING I CONDO ASSOCIATION

Mailing List

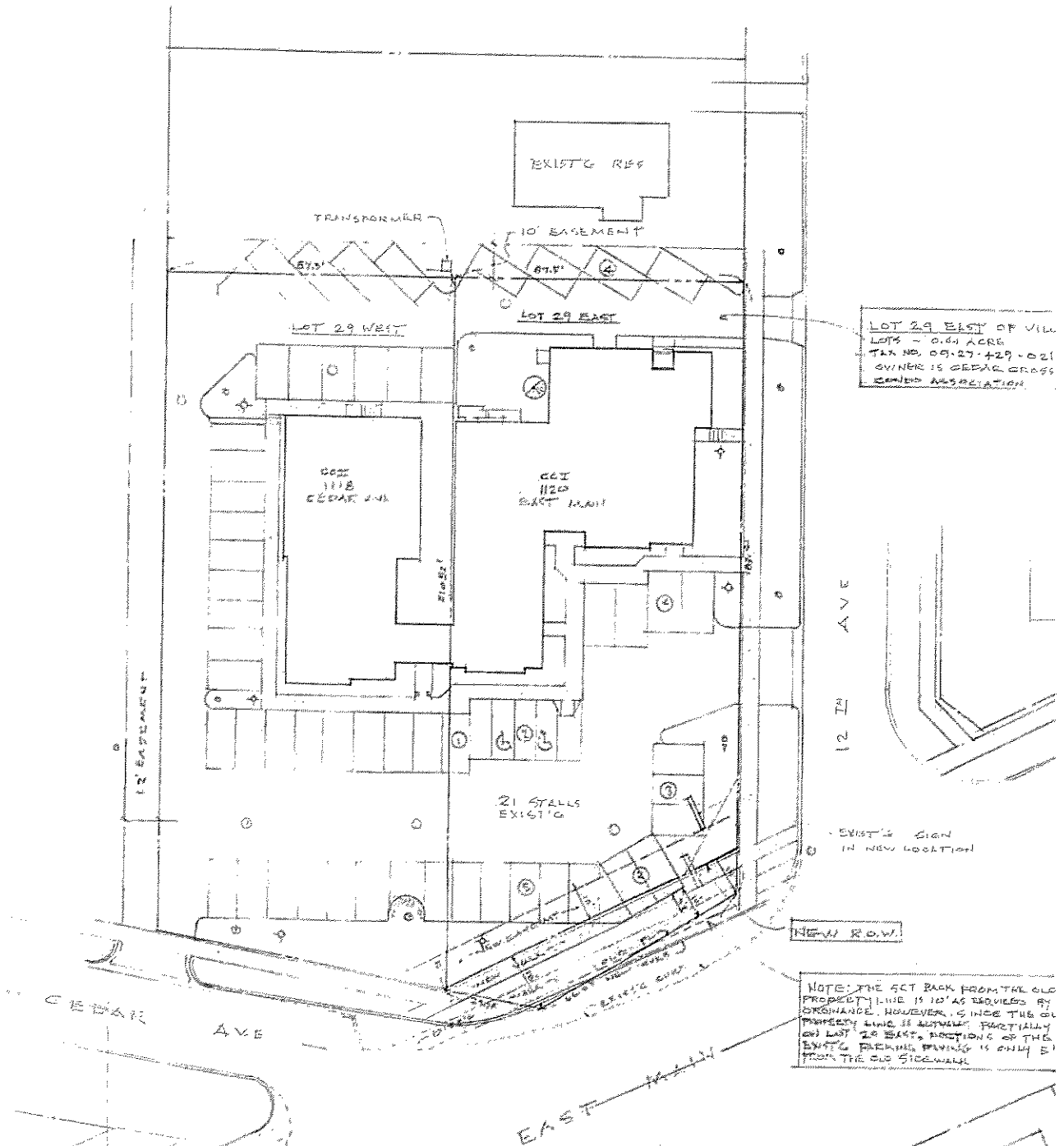
Note: Applicant must complete this form (please print) and include it with the application

Following are the names and addresses of surrounding property owners from the property in question for a distance of 250 feet in all directions. The number of feet occupied by all public roads, streets, alleys, and public ways has been excluded in computing the 250-foot requirement. Said names are recorded in the Office County Recorder of Deeds as appears on the authentic tax records of the county or counties (See page 1, item 1.b for Kane, DuPage and St. Charles Township information.)

Tax Permanent Parcel No.	Name of Registered Owner	Mailing Address
09-27-429-020	Cedar Crossing Inc	370481 Grey Barn Rd. St Charles 60174
09-27-429-019	Batavia Enterprise	140 1st St, Batavia, IL 60510
09-27-429-026	Peter Hanson	118 N. 11th Ave, St Charles IL 60174
09-27-429-025	Thomas & Judith Hill	122 N. 11th Ave, St Charles IL 60174
09-27-429-024	Mary Williams	126 N. 11th Ave, St Charles IL 60174
09-27-429-007	R+B Development of St Charles	409 ILL AVE, Unit 10 St Charles 60174
09-27-429-014	Gene & Sharon Hare	41 N 12th Ave, St Charles 60174
09-27-429-015	Brian & Cassandra Buick	35 N. 12th Ave, St Charles 60174
09-27-429-016	Steven Loughheed/Jaimie Anderson	29 N. 12th Ave, St Charles 60174
09-27-429-017	Cedar Crossing Inc	370481 Grey Barn Rd. St Charles 60175
09-27-430-012	Barbara & Bertie King	1102 Stonehedge Rd. St Charles 60174
09-27-430-007	" " "	" " "
09-27-430-006	Spencer Christenson	40 N. 12th Ave, St Charles 60174
09-27-430-013	Barbara King	1218 East Main St. St Charles 60174
09-27-431-006	Pingree 2000 RESTATE Holdings LLC	600 Corporate Park Dr
09-27-431-007	" " "	" " ST Louis, MO 63105
09-27-431-002	North Star TRUST Co	500 W. Madison St. Suite 3150
		Chicago, IL 60661
09-27-431-004	Helen Zaidan	1215 E. Main St. St Charles 60174

Additional Mailing

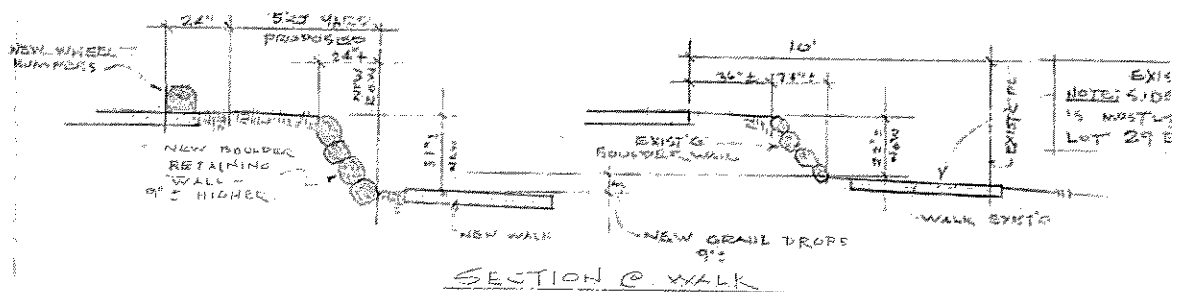
Tax Permanent Parcel.	Name of Registered Owner	Mailing Address
09-27-429-027	The Maurice McNally Living Tr	1120 E Main St #101
09-27-429-028	Norton, David J & Lora Beth	1120 E Main St #102
09-27-429-029	Norton, David J & Lora Beth	1120 E Main St #201
09-27-429-030	Norton, David J & Lora Beth	1120 E Main St #202
09-27-429-031	Cedar Crossing, Inc.	1120 E Main St #203
09-27-429-032	Cedar Crossing, Inc.	1120 E Main St #303
09-27-429-018	Batavia Enterprise	140 S 1 st St Batavia
09-27-430-005	Appelhans, Mark & Linda	48 N 12 th Ave
09-27-430-024	Gorecki, James F Jr & Mary C & Mark V Et Al	1224 E Main St
09-27-430-020	Krempel Contracting Co, Krempel, James L	1302 E Main St
09-27-428-006	Batavia Enterprises Inc.	140 S 1 st St Batavia
09-27-484-001	Black Rhino Industries, LLC	1121 E Main St
09-27-484-009	M & R Properties of St Charles, Inc.	
09-27-484-005	Award Concepts & Lafrenier, Robt & Mid-City NT Bk Chi TR#2280	110 S 11 th Ave
09-27-432-001	Bruno, Rosario & Sandra L Revocable Trust R&D Partners	4N762 Mountain Ash West Chicago
09-27-477-004	Batavia Enterprise	140 S 1 st St Batavia
09-27-477-003	Batavia Enterprise	140 S 1 st St Batavia
09-27-477-007	Mustard, Michael E & Jill B	617 Horne St
09-27-477-009	Foley, Mark P & Jakubaitis, Joseph P	904 E Main St
09-27-429-004	Menta, Aruna M & Manoj S	915 E Main St
09-27-429-010	Boone, Jeremy S	23 S 10 th Ave
09-27-479-009	Roman, Christopher W & Evelyn M	27 S 10 th Ave
09-27-483-009	HDN Realty Investments, LLC & LGG Properties, Inc.	1001 E Main St #A
09-27-483-010	Marie-Joan Inc. & JMS Holdings Inc.	1001 E Main St #B
09-27-483-011	Kramer, Mark	1001 E Main St #C-D
09-27-483-012	HDN Realty Investments, LLC & LGG Properties, Inc.	1001 E Main St #E
09-27-483-013	Cardinal Savings Bank	1001 E Main St #F
09-27-483-014	JJ Properties Inc.	1001 E Main St #G-H
09-27-483-015	JJ Properties Inc.	1001 E Main St #H



EXIST'G SITE PLAN 5/19/11
WITH NEW ROW LINES SHOWN

0 20 40 60 80 100

CEDAR CROSSING - ST. CHARLES



SECTION C. WALK